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U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA

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CLERK *M. J. Smith*  
SOUTHERN DISTRICT OF GEORGIA

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
WAYCROSS DIVISION

ARTHUR DE'JON SMITH,

Plaintiff,

vs.

CIVIL ACTION NO.: CV505-041

MIKE KING, Sheriff, and CHARLTON  
COUNTY, GEORGIA,

Defendants.

**ORDER**

After an independent review of the record, the Court concurs with the Report and Recommendation of the Magistrate Judge, to which Plaintiff filed Objections. In his Objections, Plaintiff asserts for the first time that Defendant King drove him in the backseat of the Sheriff's vehicle, handcuffed and shackled, without fastening his seatbelt. Plaintiff asserts that this resulted in injuries sustained in a car accident caused by Defendant King.


Plaintiff does not state a claim against Defendant King or Charlton County under 42 U.S.C.A. § 1983. As the Magistrate Judge's Report and Recommendation stated, an allegation of mere negligence does not support a cause of action. Section 1983 protects constitutional rights, "not duties arising out of tort law." Baker v. McCollan, 443 U.S. 137, 146, 99 S. Ct. 2689, 2695, 61 L. Ed.2d 433 (1979).

Plaintiff also asserts in his Objections that during his current confinement in Cook County Jail, he has been housed in overcrowded conditions and forced to sleep on the

floor while under a doctor's care. Plaintiff contends that Cook County deprived him of medical treatment because there is no on-duty nurse at the jail and the jail's doctors removed him from previously prescribed medications. Plaintiff avers that Cook County deprived him of "access to law" because: 1) the Cook County Public Defender's Office would not take collect calls; 2) the jail's location inhibits the plaintiff's ability to contact or obtain a lawyer; and 3) the jail does not have a law library. (Obj. at 1, 3.) Cook County is located in the Middle District of Georgia; thus, proper venue for bringing a claim against this previously unnamed entity is in that District. See 28 U.S.C.A. § 1391(b) (2005).

Plaintiff's Objections are without merit. The Magistrate Judge's Report and Recommendation dated August 11, 2005 (Doc. No. 6) is adopted as the opinion of the Court. Plaintiff's claims against Defendants King and Charlton County are **DISMISSED** for failure to state a claim. The Clerk of the Court is authorized and directed to enter the appropriate judgment of dismissal.

SO ORDERED this 27<sup>th</sup> day of SEPTEMBER, 2005

  
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WILLIAM T. MOORE, JR., CHIEF JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA